



Federal Public Laws Impacting Chemical Weapons Destruction

A Partnership for Safe Chemical Weapons Destruction

This fact sheet is designed to provide a synopsis of public laws pertaining to the chemical weapons program at the Blue Grass Army Depot.

Chemical Demilitarization Program Mission. In 1985, Congress directed the secretary of defense to oversee destruction of the U.S. chemical weapons stockpile. In doing so, the secretary is to ensure maximum protection of the environment, general public and workers involved in the destruction of the chemical weapons (*Public Law 99-145, 1985*).

Congress designated the Army as the military organization responsible for the safe destruction of the U.S. chemical weapons stockpile (*Public Law 99-145, 1985*). The Army's chemical demilitarization program was created to manage the daily operations of chemical weapons disposal and can be directed by either a civilian or general officer (*Public Law 99-145, 1985; Public Law 100-456, 1988 & Public Law 104-106, 1996*).

The chemical weapons stockpile must be destroyed by April 29, 2007, in accordance with the Chemical Weapons Convention, an international treaty. The treaty allows for a one-time extension of five years (*Senate Resolution 75, 1997*). In 1992, Congress directed the secretary of the Army to provide a report on the Army's plan for destroying all chemical warfare materiel that is not part of the stockpile. These chemical weapons are known as "non-stockpile chemical materiel" and include buried chemical weapons, binary chemical weapons, former chemical weapons production facilities, chemical weapons recovered from ranges and miscellaneous chemical warfare materiel (*Public Law 102-484, 1992*).

The United States is supporting the Russian Federation's efforts to store and destroy its stockpile safely. In 1991, Congress gave the president the authority to create the Cooperative Threat Reduction program to provide U.S. financial and technical support to the Russian Federation (*Public Law 102-228, 1991, and following years*).

The Disposal Process. All facilities used in the destruction of chemical weapons must be designed solely for that purpose and that purpose alone (*Multiple years*). When disposing of chemical weapons, the Army must meet or exceed applicable federal and state environmental and safety requirements (*Public Law 99-145, 1985*). Facilities constructed to dispose of stockpiled chemical weapons and related materiel also can be used to destroy non-stockpile chemical materiel if the state in which a destruction facility is located issues the appropriate permit(s) for the destruction of such items at that facility. However, the Anniston Chemical Agent Disposal Facility cannot be used for the disposal of any non-stockpile materiel that is not already stored at the Anniston Army Depot (*Public Law 106-65, 1999; Public Law 106-398, 2000*).

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Evaluation of Alternative Technologies. In 1992, Congress directed the Army and the National Research Council to report on potential alternative technologies to baseline incineration. Congress directed that an alternative technology could be pursued at low-volume chemical weapons sites if the secretary of the Army determined that the technology could meet the stockpile elimination deadline and was significantly safer and more cost effective than baseline incineration. Provided that these conditions were met, Congress also permitted the use of alternative technologies at other stockpile sites if the secretary of the Army notified Congress of the intent to do so (*Public Law 102-484, 1992*).

The Assembled Chemical Weapons Alternatives (ACWA) Program. In 1996, Congress directed the secretary of defense to conduct a pilot program to identify and demonstrate not less than two alternatives to the baseline incineration technology with possible application at Pueblo, Colo., and Richmond, Ky. This program has come to be known as the Program Manager Assembled Chemical Weapons Alternatives (PMACWA). The pilot program is to be carried out by a manager who has not been in direct or immediate control of the current incineration technology (*Public Laws 104-201 and 104-208, 1996*).

As with incineration, all alternative technologies identified under PMACWA must meet or exceed applicable federal and state environmental and safety requirements.

An annual report must be sent to congressional defense committees detailing the pilot program's activities along with a final report detailing the effectiveness of each alternative technology identified and demonstrated (*Public Law 104-208, 1996*).

As a result of the legislation creating PMACWA, the contracts for technology-specific construction at Pueblo, Colo., and Richmond, Ky., were put on hold until 180 days after a final report on the Alternative Technologies Pilot Program is issued (*Public Law 104-208, 1996*).

In 1998, Congress provided funding for PMACWA to continue efforts to identify and demonstrate alternatives to baseline incineration for the disposal of assembled chemical weapons. The legislation required that PMACWA continue to act independently from the Program Manager for Chemical Demilitarization. In addition, it specified that activities be carried out to ensure an alternative technology can be implemented immediately after a successful demonstration and a final decision document.

The law requested that an independent evaluation of the program be conducted. If the evaluation determined that an alternative destruction technology was deemed safe, cost-effective and capable of meeting CWC deadlines, then the Department of Defense would award a contract for the design, construction and operation of such facility. Other requirements of the law were that the undersecretary of defense consult with the National Research Council and submit a plan with schedule and cost information for the pilot program to Congress (*Public Law 105-261, 1998*).

Later that same year, Congress authorized PMACWA to conduct evaluations of three additional alternative technologies. \$40 million of the funds made available for chemical agent and munitions destruction may only be used to conduct additional PMACWA evaluations. PMACWA is to proceed under the same guidelines as contained in Public Law 104-208, and continue to use the ACWA Dialogue process as well as the Citizens' Advisory Technical Teams and their consultants (*Public Law 106-79, 1999*).

In 2000, Congress ordered the Department of Defense to consider only those technologies demonstrated before May 1, 2000, for destruction of chemical weapons at the Pueblo Chemical Depot (*Public Law 106-398, 2000*).

The most recent piece of legislation assigns PMACWA responsibility for the destruction of the chemical weapons stockpile at the Blue Grass Army Depot in Kentucky, if a technology other than baseline incineration is selected to destroy the chemical weapons stored there. The law also assigns the program manager responsibility for the destruction of the chemical weapons stockpile stored at the Pueblo Chemical Depot in Colorado (*Public Law 107-248, 2003*).

Transportation of Chemical Weapons. Chemical weapons that are part of the chemical weapons stockpile cannot be transported across state lines (*Public Law 103-337, 1994*). In addition, no chemical weapons can be transported to the Johnston Atoll for disposal, except for those that are found in the World War II Pacific Theater of Operations or during a period in which the United States is at war (*Multiple years*). If a chemical weapon is discovered that is not already part of the stockpile (i.e., non-stockpile materiel), the secretary of defense may transport it to the nearest chemical weapons stockpile storage facility with the necessary permits for receiving and storing such items (*Public Law 103-337, 1994*).

Facility Closure. Upon completing its mission, facilities must be cleaned and disposed of in accordance with mutual agreements between the secretary of the Army and the governor of the state in which the facility is located, as well as in accordance with all federal, state and local laws and regulations (*Multiple years, most recently Public Law 106-65, 1999*).

Emergency Preparedness. In 1986, Congress established emergency preparedness guidelines for the chemical demilitarization program. According to Congress, the secretary of defense may make grants to state and local governments (either directly or through the Federal Emergency Management Agency) to assist local governments in carrying out functions relating to emergency preparedness and response in connection with the disposal of chemical agents and munitions (*Public Law 99-145, 1985, Public Law 101-510, 1990*).

The Federal Emergency Management Agency director, in coordination with the secretary of the Army, shall help state and local governments develop their individual emergency response systems to deal with emergency situations resulting from the storage and destruction of chemical weapons (*Public Law 105-261, 1998*).